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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,504	01/22/2004	Deborah K. Avis	P/3426-70	7249
2352	7590	10/05/2005		
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			EXAMINER TRAN, CHUC	
			ART UNIT 2821	PAPER NUMBER

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/763,504

Applicant(s)

AVIS, DEBORAH K.

Examiner

Chuc D. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/22/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Akitaya et al (USP. 6,820,018).

Regarding claims 1-11, Akitaya et al disclose a self-contained power control module for a battery operated device in Fig. 11-12 comprising:

- a support base (Col. 4, Line 22);
- a normally open circuit path operable to be closed to couple the module between a power source (BATT) and a load device (54) (Col. 2, Line 5);
- an electronic switch (SW2) connected in the normally open circuit path, the switch being operable between conductive and non-conductive states by control signals applied thereto to close and open the circuit path (Col. 2, Line 5);
- a control unit (56) which is operable to provide control signals to the electronic switch (Col. 2, Line 10);
- a timer (57) including reset capability (Col. 20, Line 25); and
- a motion detector (28) (Col. 8, Line 32);

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- the timer (57) is operative when reset to measure a predetermined timing interval (Col. 20, Line 1);

- provide a gradual transition between the conductive and non-conductive states of the electronic switch (Col. 2, Line 10), whereby the current in the circuit path changes gradually when the switch changes from its conductive to its non-conductive state (Col. 1, line 11).

Regarding claims 12-22, Akitaya et al disclose a self-contained power control module for an electrically operated load device in Fig. 11-12 comprising:

- a normally open circuit path operable to be closed to couple the module between a power source (BATT) and a load device (54) (Col. 2, Line 5);

- an electronic switch (SW2) connected in the normally open circuit path, the switch being operable between conductive and non-conductive states by control signals applied thereto to close and open the circuit path (Col. 2, Line 5);

- a programmable master controller (56) which is operable to provide control signals to the electronic switch (Col. 2, Line 10); and

- provide a gradual transition between the conductive and non-conductive states of the electronic switch (Col. 2, Line 10), whereby the current in the circuit path changes gradually when the switch changes from its conductive to its non-conductive state (Col. 1, line 11).

- provide a timer (57) including reset capability (Col. 20, Line 25), and a motion detector (28) responsive to motion module to provide a reset signal for the timer (Col. 20, Line 18), and wherein:

- the timer (57) is operative when reset to measure a predetermined timing interval (Col. 20, Line 1);

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- the controller is operative during the timing interval to drive the electronic switch into the conductive state, and otherwise to drive the electronic switch into the non-conductive state (Col. 1, Line 24) (Abstract).

Regarding claim 23, Akitaya et al disclose a self-contained power control module for an electrically operated load device in Fig. 11-12 comprising:

- a normally open circuit path operable to be closed to couple the module between a power source (BATT) and a load device (54) (Col. 2, Line 5);
- an electronic switch (SW2) connected in the normally open circuit path, the switch being operable between conductive and non-conductive states by control signals applied thereto to close and open the circuit path (Col. 2, Line 5);
- a programmable master controller (56) which is operable to provide control signals to the electronic switch (Col. 2, Line 10); and
- provide a gradual transition between the conductive and non-conductive states of the electronic switch (Col. 2, Line 10), whereby the current in the circuit path changes gradually when the switch changes from its conductive to its non-conductive state (Col. 1, line 11).

***Citation of relevant prior art***

Prior art Smith et al (USP. 6,710,705) disclose method and apparatus for pest deterrence.

Prior art Nakazawa (USP. 5,394,063) disclose video light apparatus.

Prior art Molinaroli (USP. 6,265,984) disclose light emitting diode display device.

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***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuc D. Tran whose telephone number is (571) 272-1829. The examiner can normally be reached on M-F Flex hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TC  
October 2, 2005

  
**WILSON LEE**  
**PRIMARY EXAMINER**